

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

<b>STATE OF NEW MEXICO</b> <i>ex rel.</i>	)	
<b>State Engineer,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>69cv07941-MV/LFG</b>
	)	
<b>vs.</b>	)	<b>RIO CHAMA STREAM SYSTEM</b>
	)	<b>Section 7, Rito de Tierra Amarilla</b>
<b>ROMAN ARAGON, et al.,</b>	)	
	)	<b>Subfile No.: CHTA-003-0012A</b>
<b>Defendants.</b>	)	

**CHAMA VALLEY INDEPENDENT SCHOOL DISTRICT NO. 19'S RESPONSE TO  
NOTICE AND ORDER (DOC. 11029)**

COMES NOW Chama Valley Independent School District No. 19 (“Chama School District”), by and through Cuddy & McCarthy, LLP, and responds as follows to the Notice and Order (Doc. 11029, filed June 20, 2014) requiring defendants to file a statement of any claim of right to the use of water based on the Treaty of Guadalupe Hidalgo. The Chama School District is a member of the Tierra Amarilla Community Ditch (“Acequia”) which filed its *Objections of the Asociación de Acéquias Norteñas de Rio Arriba and the Tierra Amarilla Community Ditch to Proposed Irrigation Requirements* on July 28, 2010 (Doc. 9922) and its *Asociación de Acéquias Norteñas de Rio Arriba’s Statement of Issues Regarding the Applicability of the Treaty of Guadalupe Hidalgo and/or Related Authority to Water Rights in Sections 3 and 7* on June 1, 2006. As a member of the Tierra Amarilla Acequia, the Chama School District has previously joined in and adopted by reference the Acequia’s July 28, 2010 Objections (Doc. 9922). Further, as a member of the Acequia, the factual and legal issues identified and described in the *Asociación de Acéquias Norteñas de Rio Arriba’s Statement of Issues Regarding the Applicability of the Treaty of Guadalupe Hidalgo and/or Related Authority to Water Rights in Sections 3 and 7* filed on June 1, 2006 are also applicable to the rights of the Chama School District. The Chama School District,

therefore, joins in and adopts by reference the *Asociación de Acéquias Norteñas de Rio Arriba's Statement of Issues*, in particular the following Treaty issues:

1. Whether the Acéquias may gain legal recognition to maintain customs and practices implementing a *repartimiento* system of equitable distribution of water, as opposed to strict priority; and whether Acequias maintaining such customs and practices are protected against priority administration by the State, or the establishment of a Water District or Water Master, or the application of any State regulations pertaining to priority administration or active water resource management[.]

...

5. Whether the Acequias are subject to a reduction in diversion amount below their historical diversion amount[.]

The Chama School District therefore, objects to adjudication of any priority date that does not recognize and accede to historic customs and practices and agreements regarding water allocation, distribution and sharing among Acéquias. The Chama School District further objects to any reduction in the historic amount of diversion of its Acequia. Under New Mexico law the Project Diversion Requirement of the ditch should be based on the quantity of its maximum historic diversion for beneficial use.

CUDDY & McCARTHY, LLP

By: Electronically Filed 08/29/14  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>TH</sup> day of August 2014, a true and correct copy of the foregoing *Chama Valley Independent School District No. 19's Response to Notice and Order (Doc. 11029)*, was electronically filed through the CM/ECF filing system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Rebecca Dempsey  
REBECCA DEMPSEY